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REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. Claims 1-3, 5-17, 20, and 22-26 are pending of which claims 1, 23, and 26 are independent. Claims 1-3, 8-11, 13-17, 20, 22-23, and 26 have been amended herein. Support for the amendments may be found in paragraphs 29-31 of the originally field specification. Claims 4 and 27-28 have been cancelled herein without prejudice or disclaimer to the subject matter contained therein.

Claims 1, 4, 6, and 23-26 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated over Lee et al. (6,160,913) (Lee).

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee in view of Kodaira et al. (6,868,183) (Kodaira).

Claims 8, 10, and 15-18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee in view of Hashimoto et al (6,987,045) (Hashimoto).

Claims 19 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee in view of Brooks et al (6,406,062).

Claims 27-28 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Lee.

These rejections are respectfully traversed for the reasons stated below.

Allowable Subject Matter

Claims 7, 9, 11-14, 20, and 22 were objected as being dependent up on a rejected base claim, but would be allowable if rewritten in independent form.

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Claim Rejection Under 35 U.S.C. §102

The test for determining if a reference anticipates a claim, for purposes of a rejection

under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed

combination, or the mechanical equivalents thereof functioning in substantially the same way

to produce substantially the same results. As noted by the Court of Appeals for the Federal

Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221

USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection

under 35 U.S.C. § 102, the Court stated:

> Anticipation requires the presence in a single prior art reference
> disclosure of each and every element of the claimed invention,
> arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the

claimed invention, then the cited reference fails to anticipate the claimed invention and, thus,

the claimed invention is distinguishable over the cited reference.

The Office Action sets forth a rejection of claims 1, 4, 6, and 23-26 under 35 U.S.C.

§102(b) as allegedly being anticipated by Lee.

This rejection is respectfully traversed because Lee fails to disclose all the features of

independent claims 1, 23, and 26, and the claims that depend therefrom.

More specifically Lee fails to teach "classifying pixels within a mask within the

digital image as either edge or non-edge, wherein a pixel (i,j) is located at the center of the

mask;

> determining whether pixel (i,j) is an edge pixel or a non-edge pixel; and

> performing edge-bounded averaging, wherein the edge-bounded averaging includes

finding one of either

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an average value of edge pixels having connectivity with pixel (i,j), in response to determining that pixel (i,j) is an edge pixel or

an average value of non-edge pixels having connectivity with pixel (i,j) in response to determining that pixel (i,j) is a non-edge pixel."

Lee fails to teach determining whether a center pixel (i,j) if edge or non-edge.

Moreover, as Lee discloses in column 6, lines 25-35, Lee averages intensity values of *all* values Lmax and Lmin. Lmax and Lmin refer to maximum and minimum pixel intensity values and, as column 5 lines 45-53 of Lee discloses, "*both*" values are determined and then averaged together.

In contrast to the prior art of record, independent claims 1, 23, and 26 include classifying pixels in a mask as either edge or non-edge, determining whether the pixel at the center of the mask is edge or non-edge, and then averaging either only edge pixels or only non-edge pixels based on the type of pixel that the center pixel is. That is, where the prior art averages every pixel within a region, the claims average only a particular subset of pixels, i.e. edge or non-edge.

Furthermore, independent claims 1, 23, and 26 recite averaging only the pixels having "connectivity" with the center pixel. Connectivity is described in the originally filed specification in paragraph 31 and illustrated in Figure 3. Therefore, the subset of pixel values averaged by the method and system of the claims is further qualified to be pixels in connectivity with the center pixel, whereas Lee simply averages every pixels.

Accordingly, because the prior art of record fails to teach or suggest the elements of independent claims 1, 23, and 26, withdrawal of this rejection and allowance of the claims is respectfully requested.

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<u>Claim Rejections Under 35 U.S.C. §103(a)</u>

The test for determining if a claim is rendered obvious by one or more references for

purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

> To establish a *prima facie* case of obviousness, three basic criteria
> must be met. First, there must be some suggestion or motivation,
> either in the references themselves or in the knowledge generally
> available to one of ordinary skill in the art, to modify the reference
> or to combine reference teachings. Second, there must be a
> reasonable expectation of success. Finally, the prior art reference
> (or references when combined) must teach or suggest all the claim
> limitations. The teaching or suggestion to make the claimed
> combination and the reasonable expectation of success must both
> be found in the prior art and not based on applicant's disclosure. *In
> re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails

to render obvious the claimed invention and, thus, the claimed invention is distinguishable

over the cited reference(s).

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lee (in

view of Kodaira.

Lee and Kodaira, taken singly or in combination, fail to teach or suggest the elements

of independent claim 1, from which claim 5 depends. Accordingly, claim 5 is allowable for

at least the reasons set forth above and withdrawal of this rejection and allowance of the

claims is respectfully requested.

Claims 8, 10, and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable

over Lee in view of Hashimoto.

Lee and Hashimoto, taken singly or in combination, fail to teach or suggest the

elements of independent claim 1, from which claims 8, 10, and 15-17 depend. Accordingly,

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claims 8, 10, and 15-17 are allowable for at least the reasons set forth above and withdrawal

of this rejection and allowance of the claims is respectfully requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this

application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would

assist in resolving any issues pertaining to the allowability of the above-identified

application, please contact the undersigned at the telephone number listed below. Please

grant any required extensions of time and charge any fees due in connection with this request

to deposit account no. 08-2025.

Respectfully submitted,

Dated: October 10, 2006   By _____

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